

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 30, 1997 LR 18, 20

about anything else. We are talking about no person shall be deprived of life, liberty, or property, without due process of law. That is existing language. The language that's suggested to you be included is "nor be denied equal protection under the laws." That's a phrase that should be familiar to each and every one of you. It mirrors the language in the Fourteenth Amendment of the United States Constitution. It is part of our addition to our Bill of Rights. It is very difficult to stand up and say that you should not treat people equally. Equal protection clause has been the subject of literally thousands of cases in this country. Nebraska does have an equal protection concept in our constitution. It is called our special legislation clause. Senator Crosby, you are probably familiar with the special legislation clause because I'm sure it causes you more heartaches than any other clause because that was the section of the constitution that was used with the Commonwealth depositors. But Nebraska's special legislation clause is one that also was subject to changes and recommendations because it contains, and if you will look in your laptop and turn to I believe it is LR 18CA, you will see in there 20 some lines of old, archaic language that we suggest be taken out of there, that has no meaning, that talks about granting divorces, all sorts of things that are in there, changing the names of persons or places, laying out, opening, altering roads and work, all things that we do but we don't do them for individuals. We don't do them as a special piece of legislation to grant the divorce of Ray Janssen, for example, by statute. There is a general divorce law that applies to everyone equally and not to him specifically. Now when the recommendations were made, I felt very strongly that the old special legislation clause could have a number of these things taken out of it, still keeping the concept of special legislation, and we want to make sure that we don't destroy precedent that is set by the Nebraska Supreme Court. The Nebraska Supreme Court, in several cases, has used our special legislation language in the constitution as our equal protection clause. We want to make sure that by taking out the old, archaic language in the other portion of the constitution, we do not destroy the concept of equal protection that is already in this state and, thus, that is the reason we put in some place else specifically equal protection under the law. It is hard to argue that people should not be treated equally, and this country is very replete with different types